

***BUTTE-SILVER BOW LOCAL GOVERNMENT***

***STUDY COMMISSION***

**Minutes of the Meeting**

**April 21, 2005**

**Butte-Silver Bow Courthouse, First Floor Conference Room**

***Meeting Date:*** April 21, 2005

***Time:*** 5:30 p.m.

***Place:*** Butte-Silver Bow County Courthouse, First Floor Conference Room

***Call to Order:*** Chairman Bob Worley brought the meeting to order at 5:30 p.m. and called roll with the following results:

***Members Present:*** Tony Bonney, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley, Shag Miller and Ron Rowling.

***Excused absence:*** Ristene Hall and Wayne Harper

***Others Present:*** Dan Powers, Ed Randall, Rick Larson, Barbara Mueske, Ralph Boerner, Terri Hocking, Elaine Holm, Tim Clark, Bob Sullivan, Lori Maloney and Danette Harrington.

***Induction:*** At this point, Chairman Worley asked Clerk and Recorder, Lori Maloney, to swear-in one of the Study Commission members, Shag Miller, and so it was done.

***Approval of Minutes:*** Shag Miller moved that the minutes from the April 14, 2005, meeting be approved; Dave Palmer seconded the motion, and the motion carried unanimously.

***Comments from Ron Rowling:*** Ron thanked Tim Clark, Director of Personnel, Bob Sullivan, Director of the Parking Commission, and Dan Dennehy and the rest of his Health Department team. Ron reminded Shag Miller and Cindi Shaw that they would be speaking at Gamers at noon on April 27, 2005, to the Pacaderm Club. At this point, Shag Miller reported that he will not be able to make it because he was having back surgery. Meg Sharp volunteered to go with Cindi Shaw.

***Citizen's Comments:*** None

***Items Not Addressed on the Agenda:*** Cindi Shaw asked Chairman Worley about Susan Powell not being present as the secretary. Chairman Worley reported that Susan would

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probably not be working for the Study Commission because it puts her in a position of overtime with Butte-Silver Bow, which doesn't fit with the Study Commission's budget.

**Guest Speakers:** Chairman Bob Worley introduced the speakers.

**Bob Sullivan, Parking Director for Butte-Silver Bow,** began with a brief history of the Parking Commission. At one time, there was a parking division under the Butte Police Department and when the city/county merged that division was dropped by the Sheriff.

A parking commission was organized under Council Resolution 116 and Ordinance 548 back in the 1970s. Since then, the Parking Commission runs with a five member board, which has the supervisory capacity over the parking director and the three enforcement officers that work in the office. They have computerized their ticketing system. They have obtained a scooter used to run from Montana Tech to Wal-Mart and to the residential areas in the summertime. They have great success ticketing vehicles that are not licensed, improperly licensed, or parked improperly. Their budget is \$165,000 per year; they are self-sustained. What they earn they keep. They receive money from the SID that generates about \$14,000 per year. At this point, Bob Sullivan opened it up for questions.

Shag Miller asked if they have any surplus or profit after the income of the \$179,000. Bob Sullivan reported that it goes into a reserve and it is used to buy computers, equipment, and pay their salaries. There is no cost to Butte-Silver Bow.

Northey Tretheway asked what the size of their reserve was. Bob said it was \$50,000. Tony Bonney asked if they worked in partnership with private parking lots or what the jurisdiction was. Bob stated that anywhere there is a handicap sign by Federal statute the commission has the authority to fine the vehicle in violation of handicap areas, fire lanes and safety zones. Also, the Department of Justice has given them the authority to fine cars parked for sale on private lots without permission from the owner. The fine could be \$250 to \$500 for that.

Dave Palmer asked a question going back to Wayne Harper's email, does the parking commission enforce the street signs that say "no parking from here to corner?" Bob replied that they do.

Cindi Shaw asked about abandoned vehicles. Bob reported that as the enforcement officers look for improper plates or vehicles parked the wrong way, they mark them down and turn them into Jed Hoopes or Under Sheriff Driscoll.

Bob Worley asked about trailers that are parked on the streets. Bob Sullivan said they are trying to develop a program to drive by, get the license number and then send the violator a letter. When no further questions were asked, Chairman Worley thanked Bob for coming.

**Tim Clark, Personnel Director**, began his presentation by passing out a handout and talking about the history of the Personnel Department. This department became an entity in the Fall of 1978. At this time, Mayor Micone appointed Tim Clark with the Council of Commissioners consent as the Personnel Director. Prior to the government consolidation, the personnel/human resource functions were spread throughout departments within the former city of Butte and the county of Silver Bow. In the city of Butte, the functions were handled by the Clerk & Records office, the Office of the Budget Director, and contract negotiations were handled by the Office of the Mayor with the assistance of the Council of Commissioners and the city attorney. In the county, most of the personnel functions were handled by the Clerk and Recorder's office, the Auditor's office, and the office of the County Commissioners. The Council was responsible for contract negotiations (he was not certain if the county attorney's office participated in contract negotiations or not). When the governments were consolidated in 1977, all employees were guaranteed jobs. Between unification in May of 1977 until October 1978, personnel functions were handled by the Clerk and Recorder, the Auditor, and the Office of the Chief Executive. It became formal in October 1978 when he was appointed as Personnel Director (the current revised Charter, Section 7.06, established by Ordinance, and codified under Chapter 2.10). The major responsibility of the Personnel Department is collective bargaining agreements which take up 60% of the Personnel Department's time. There are 15 separate organized unions with 276 employees. The Personnel Director spends a great deal of time negotiating contracts. The Chief Executive and department heads are brought in for negotiations also. A lot of time is spent dealing with contract enforcement, oversight and conflict resolution. They have three employees in the department: 1) the director, 2) personnel technician, and 3) an insurance safety manager. The Personnel Director also supervises the payroll clerk. Tim then opened it up for questions.

Shag Miller asked about the county's hospital insurance. Tim reported that Butte-Silver Bow is self-insured except for those in the union contracts. Premiums and deductibles were explained. Dave Palmer asked if any wording could be changed in the Charter for Personnel. Tim stated that there is a housekeeping item. Personnel Department is an antiquated term, and it should be referenced as the Human Resource Department. He has concerns about the language that references "at will" employees versus those that work "at the pleasure of the Chief Executive."

Dave Palmer also asked about job training and is it left up to individual department heads or is there a training program people go through when they are hired on with the county. Tim reported that the major training is left up to the department heads, but Personnel does a new employee orientation program. The current administration is probably the most focused administration on training that we have had. They see the value of training, so we will be having more training by what he has been told by the Chief Executive.

Northey Tretheway asked what the personnel department's budget is, and what are the biggest risk factors and issues that need to be addressed. Tim did not have budget information for the Study Commission, but he reported that the county has done a good

job over the last five to six years in taking care of liability issues by hiring a risk manager. It is this person's responsibility to deal with these risks for liability and workers' compensation. As far as personnel is concerned, Human Rights and Equal Employment Opportunity are important, because employees are significantly more informed of what their rights are under Federal and State law. Training was discussed in more detail.

Bob Worley asked if the Personnel Department had a handbook or handout. Tim said they have a handout, but not a handbook. They are waiting to do a handbook after the legislative session ends. Also, the question on "at-will employment" versus "at the pleasure of the chief executive" will mean major changes need to be made to the personnel policies if the Chief Executive's position is upheld by the court. All of the policies and procedures will have to be redone. Bob Worley asked if Butte-Silver Bow had a drug testing program. Tim said that right now only employees requiring a CDL (commercial driver's license) under Federal law are tested. They are in the process of developing a drug testing policy. He stated for the record that developing such a policy would be expensive to the county because it would require pre-employment drug and alcohol testing for all employees. Also, services of a physician would have to be obtained. More discussion continued about drug problems, random testing, safety issues, Montana State law, union contracts take precedence over personnel policies, and that unions would be a part of any implementation of a drug testing process, etc.

Cindy Shaw talked about the lack of job descriptions and requirements for an elected official. Tim said there is no clear-cut job description for an elected official. Discussion continued regarding setting requirements for elected officials. Tim said that if you wanted to do that you could probably request an Ordinance be adopted. Bob Worley thanked Tim for his input and presentation.

Next up, **Dan Dennehy, Health Department Director**, introduced his management team: Dan Powers, Environmental Health, Ed Randal, Program Manager for Case Management, Rick Larson, Assistant Health Director, Barb Mueske, Program Director for Family Services, Karen Byrnes (who is leaving to be the new Community Development Director), Ralph Boerner, Program Director of the Chemical Dependency Program, Terri Hocking, Program Director for the Community Healthy Nursing Program, and Elaine Holm, who is being promoted to Karen Byrnes job. Dan then began his presentation with a PowerPoint presentation. *The presentation is posted on the Internet/Intranet for review.*

Some of the highlights from the presentation are that the Health Department was created by Ordinance 68 when the government was consolidated. The Health Department has an autonomous board consisting of seven members appointed by the Chief Executive and confirmed by the Council of Commissioners. The board has the jurisdiction over their department per Section 2.28.01 in the Municipal Code. The Health Department budget is \$3.1 million, which only 13 percent of the budget is from the general fund. Federal and State grant money is 35 percent of the budget. The PowerPoint presentation breaks the

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budget down further. The Health Department has 50 employees, and they administer 17 Federal and State grants. Each director presented their departments facts (which are also included on PowerPoint presentation).

**Rick Larson** talked about environmental quality programs and issues. Butte-Silver Bow has very good air quality with only one violation in Federal air standards. He discussed the Community Enrichment ordinance and how this ordinance changes. They now deal with dilapidated housing, garages, junk vehicles, etc. The Health Department works with the Public Works Department to tear down buildings, they inspect every food service, bar, restaurant, trailer court, spa, and swimming pool. They also inspect temporary food services. Butte-Silver Bow has a very safe food supply, restaurants, and food services. Rick Larson talked about re-instating a food service training program.

The Health Department has been intimately involved with all aspects of the Superfund program since the late 1980s. Rick discussed their involvement with Superfund and the Term Sheet Agreement in which Butte-Silver Bow will receive \$47 million in upfront money to fund superfund programs out to the next hundred years. Rick discussed arsenic, lead, and mercury clean-up programs. All communities have lead paint, but Butte-Silver Bow is the only community that has the money to take care of those problems. The average money spent per household is \$12,000 for cleanup. This includes new siding, window and door replacement if they have lead paint on them, interior cleaning, and sometimes carpet replacement. About \$10,000 per yard is spent to clean lead contaminated yards.

Included in Rick's presentation was information about the water district which was passed by the Council of Commissioners of Butte-Silver Bow County and is funded through a grant from ARCO (\$55,000/year). We were one of the first communities in Montana that have a water quality district. Rick continued his presentation by sharing information about his staff, their qualifications, technical duties, and their continued education and training.

Shag Miller asked the Health Department what their thoughts were about having a Community Enrichment Department, etc. Rick Larson reported that most of the powers and duties that the Community Enrichment Officer uses are based on state and county law based on health codes. All the community enrichment laws, junk vehicle laws, garbage laws, etc. are based on public health and that is where you get the weight of enforcement -- through public health. It would be very difficult to set that up under a different department.

**Central Services Program Director, Karen Byrnes**, began by explaining that Central Services has eight employees. They handle the meeting and greeting of the public with one central location for all visitors. The department handles fiscal management and auditing. Her position does the entire budget and program analysis for every budget of the health department which has 32 separate budgets. They also handle quality control issues, privacy policies, and the enforcement of those policies.

**Community Health Service Director, Terri Hocking**, manages six public health nursing programs at the Health Department. She has six nurses that help her accomplish that goal. They are responsible for communicable disease and immunology, investigating communicable disease outbreaks, and ensuring that anyone in contact with any folks with the disease are treated to prevent spread of the disease. Other areas of responsibility are emergency preparedness, immunization programs for foreign travel, vaccines, daycare assessments, MIAMI, maternal health programs, home health nurses, and Medicare. She mentioned that grants have decreased from \$50,000 per year to \$8,000 per year for different programs.

Cindi Shaw asked how many nurses were in her program and if they felt the staffing needs was adequate. Terri said the employees would say they do not have enough staff. Terri reported that they are down 1.5 positions. The biggest challenge is money.

Meg Sharp asked what MIAMI was. Dan Dennehy said that it was the acronym for Montana Initiative for the Abatement of Mortality in Infants.

**Family Services Director, Barb Mueske**, reported that her division is all about prevention. They serve over 2,000 people in the community, men and women. Programs include clinical services, Women, Infants, and Children (WIC) program, health prevention and promotion (Meth Prevention, for example), STD prevention, contraceptive prevention, tobacco, a breast and cervical cancer program (today, she heard Montana is one of top five states in the nation that has one of the best breast and cervical programs in the United States.)

**Chemical Dependency Director, Ralph Boerner**, stated that besides chemical dependency, they also have a mental health component to assist people with co-occurring syndromes (anxiety, trauma, depression issues, etc.). There is a huge need in Butte; they have gone from 92 admissions 2-1/2 years ago to just under 400 admissions last year. Butte is leading the state with the highest percentage of retention rates of keeping people in treatment, highest percentage of women and women with children in treatment, etc.

**Ed Randall, Case Management Director**, reported that the social workers and case workers are using a holistic approach with the services that are provided in Butte. This has increased their workload. In the first three months of this year, they have completed 216 chemical dependency evaluations. They have done over 100 HIV screens so far this year (January through today) compared to 100 in the whole year two or three years ago. They provide care for one-day old infants to the elderly. They deal with 20 people a day with a staff of four; they take 50 to 60 phone calls a day. They provide all the chemical dependency screening. They don't have enough staff for the growing needs each day. Their work is very dangerous now. They can't go on home visits any more with just one person.

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Finishing up the Health Department's presentation, Dan Dennehy told the Study Commission how proud he was of his staff. They are very hard-working, dedicated people.

Dave Palmer asked the members of the Health Department what changes or recommendations they would like to see if any made. Dan Dennehy said he would like to see the Health Department Board remain autonomous because the Board doesn't take a look at things from a political perspective; it looks at things from a human standpoint. Dan gave his thoughts on community enrichment and believes with the new administration there is aggressiveness and that everyone will see a lot more programs and better things happening with community enrichment than ever before. Dan agreed with Rick Larson's comments regarding keeping community enrichment within the Health Department. He also stated that 13 percent of the budget from the general fund is very low.

Questions and comments that followed the Health Department's presentation included air quality concerns, Superfund issues, local government having no authority over Montana Resources, that the goal for Butte-Silver Bow should be to keep industry in business so they take care of problems, Butte-Silver Bow is not liable for the Yankee Doodle Tailings or the Montana Resources operation (MR has a \$25 million bond).

Dan Dennehy mentioned who the Health Board members were. In response to a question from Northey, Rick Larson confirmed that Butte was named a non-attainment area in 1986. Dave Palmer asked if food service workers were tested before they went to work for restaurants. Discussion continued about the various diseases such as HIV, Hepatitis, etc. Montana does not require workers to carry a card showing their health status. More discussion continued on people's thoughts on how to help solve the health problems in the area (thoughts were that there needed to be better jobs, more employment, and cleaner, safer homes). Also the Meth Watch program and prevention programs were discussed.

Dan Dennehy also sees a paradigm shift in that social service needs to be taken care of. They are under the gun; they are working very hard and they are regulated. Also, Bob Worley asked Dan Dennehy if it was necessary to create a board to monitor the \$47 million. Dan Dennehy suggested that there be an autonomous advisory board authority made up of members separate from the board of health and department heads. He suggested it be set up for accountability to the public. This would take a legislative action.

Dave Palmer asked if a full-time community enrichment coordinator should be created to get all departments working and involved. Dan Dennehy stated that right now we have a coordinated effort for community enrichment. The committee meets every Wednesday at 9:00 a.m. Rick Larson reported that they have been pleasantly surprised with the new administration and the leadership the Chief Executive has shown the last few months. He said the Chief Executive has stepped up to be the Community Enrichment coordinator.

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In the last few months, all departments have met and will continue to meet weekly. The Chief Executive is making the decisions as to which department needs to do which task and it is working very well. He suggests that it should be the Chief Executive that does the coordinating. The Chief Executive has the authority to coordinate departments, and it is working extremely well. Dan Dennehy did mention that it is all about leadership; it also depends on the leader. The Study Commission thanked the Health Department for their presence and their hard work.

Bob Worley followed up with survey comments. He asked everyone's thoughts about doing a telephone conference with Ken Weaver. Everyone agreed to do this.

Bob Worley also talked about the letter the Commission was sending County Attorney Bob McCarthy regarding language change questions for the Charter. It was mailed on this date.

The Commission also discussed the 2005-2006 budget for the Study Commission which totals 1 mil which totals \$39,000. The Commission reviewed the budget, asked a few questions, and then moved to approve the budget.

Meg Sharp made a motion to accept the proposed budget; Northey Tretheway seconded the motion. The motion passed unanimously.

Northey had asked for a report from Linda Sajor-Joyce; he also wanted to get more information from her regarding what she thinks might be accomplished by using IT to improve efficiencies. Ron Rowling said that Linda suggested that the Commission could compare Butte-Silver Bow's IT Department to Helena's IT Department.

Other topics of discussion included coming up with plans to develop recommendations and changes, advertising in the Montana Standard this budget year, having Bobbi Stauffer meet with the Commission, and Meg Sharp and Shag Miller volunteered to put a display ad layout together. Shag reported that Gerry O'Brien, the editor of The Standard is interested in helping the Commission out any way he can. Northey said this would be a great way to educate the public.

Also, the Commission discussed the reasons why Susan Powell could not continue to be a secretary for the Study Commission. Wrapping up the meeting, Bob Worley mentioned that Lori Casey, Director of the Montana Revenue Department would like to speak before the Commission. The Commission reviewed and discussed potential speakers that they have not listened to yet.

Tony Bonney mentioned the meeting in Anaconda on May 2. Bob Worley will email everyone about the details of that meeting. The meeting is on Monday at 6:30 p.m. at the Anaconda Courthouse.



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Lastly, comments were made that most of the media have not attended any of the Study Commission meetings, and there has been no coverage compared to Anaconda's Study Commission. They discussed some of the reasons why that might be.

***Survey Updates:*** There were none.

***Date for Next Meeting:*** The next meeting will be April 28, 2005 at 5:30 p.m.

***Adjourn:*** Chairman Worley entertained a motion to adjourn. Dave Palmer made a motion to adjourn the meeting; Northey Tretheway seconded the motion. The meeting adjourned at approximately 8:30 p.m.